

Mar 02, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MICHAEL C. RADVANYI,

Petitioner,

v.

CLINT TAYLOR, DISHMAN DODGE
and SPOKANE VALLEY,
WASHINGTON,

Respondents.

No. 2:19-cv-00380-SMJ

**ORDER DISMISSING PETITION
WITHOUT PREJUDICE**

By Order filed January 28, 2020, the Court directed Petitioner Michael C. Radvanyi to either pay the \$5.00 filing fee to commence this action or submit a completed application to proceed *in forma pauperis*. ECF No. 13. The Court also attached a blank Application to Proceed in District Court without Prepaying Fees or Costs (IFP Application) with this case's assigned case number in the caption. *Id.*

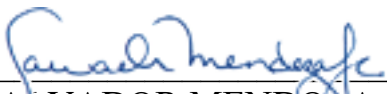
On February 19, 2020, Petitioner returned the IFP Application with a completed caption, a notation below the case number in the caption stating "Withdraw," and no other information, including any of the information required on the IFP Application. ECF No. 14. The Court understands this document is Petitioner's request for the Court to grant voluntary dismissal of the Petition for

1 Writ of Habeas Corpus. Respondents have not been served and Petitioner is entitled
2 to voluntarily dismiss his petition. *See* Fed. R. Civ. P. 41(a)(1)(A).

3 Accordingly, **IT IS ORDERED** Petitioner's construed motion to voluntarily
4 dismiss, **ECF No. 14**, is **GRANTED** pursuant to Federal Rule of Civil
5 Procedure 41(a)(1), and the Petition, ECF No. 1, is **DISMISSED WITHOUT**
6 **PREJUDICE**.

7 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
8 enter judgment of dismissal without prejudice, provide a copy to *pro se* Petitioner
9 and **CLOSE** the file. The Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3),
10 an appeal from this decision could not be taken in good faith and there is no basis
11 upon which to issue a certificate of appealability. *See* 28 U.S.C. § 2253(c); Fed. R.
12 App. P. 22(b). A certificate of appealability is therefore **DENIED**.

13 **DATED** this 2nd day of March 2020.

14 
15 SALVADOR MENDOZA, JR.
United States District Judge